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## FACSIMILE COVER LETTER

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To: Examiner H. C. RICKMAN  
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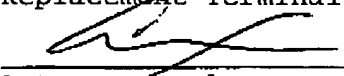
From: Mr. Carl I. Brundidge  
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/664,870  
Attorney Docket No.: 1021.39339VX1

**CERTIFICATION OF FACSIMILE TRANSMISSION**

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SUBMISSION OF REPLACEMENT TERMINAL DISCLAIMER WITH ATTACHED  
Replacement Terminal Disclaimer

  
\_\_\_\_\_  
Attorney Carl I. Brundidge  
Reg. No. 29,621June 20, 2006  
\_\_\_\_\_  
Date

Total Number of Pages (including cover sheet): 4

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1021.39339VX1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: M. FUTAMOTO, et al

Serial No.: 10/664,870

Filed: September 22, 2003

For: PERPENDICULAR MAGNETIC RECORDING MEDIA,  
MAGNETIC RECORDING APPARATUS

Group: 1773

Examiner: H. C. Rickman

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JUN 20 2006****SUBMISSION OF REPLACEMENT TERMINAL DISCLAIMER**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 20, 2006

Sir:

Attached is a Supplemental Terminal Disclaimer which is being submitted as a replacement of the prior Terminal Disclaimer filed on May 8, 2006 which incorrectly identified the Assignee of the present application as HITACHI, Ltd. and incorrectly identified the prior patent. Entry of the attached Replacement Terminal Disclaimer which correctly identifies the Assignee of the present application as HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD., and correctly identifies the prior patent as 6,686,070 is respectfully requested.

Accordingly, early allowance of claims 7-11 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 1021.39339VX1) and please credit any excess fees to such Deposit Account.

Respectfully submitted,



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Carl I. Brundidge

Registration No. 29,621

CIB/jdc

703/684-1120

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

PTO/SB/26 (09/04)

Approved for use through 07/31/2006. OMB 0651-0031

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>REPLACEMENT TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT</b>		Docket Number (Optional) <b>1021.39339VX1</b>
In re Application of: <b>M. FUTAMOTO, et al</b> Application No.: <b>10/664,870</b> Filed: <b>September 22, 2003</b> For: <b>PERPENDICULAR MAGNETIC RECORDING MEDIA, MAGNETIC RECORDING APPARATUS</b>		
<p>The owner, <b>HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD.</b>, (As per the Assignment recorded on Reel 015642 and Frame 0704) of <b>100</b> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <b>6,686,070</b> as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>expires for failure to pay a maintenance fee;</li> <li>is found invalid by a court of competent jurisdiction;</li> <li>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>has all claims canceled by a reexamination certificate;</li> <li>is issued; or</li> <li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. <span style="float: right;">Reg. No. <u>29,621</u></span></p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <p>_____ Signature</p> <p><u>Carl I. Brundidge</u> Typed or printed name</p> </div> <div style="width: 35%; text-align: right;"> <p><u>June 20, 2006</u> Date</p> <p><u>703) 684-1120</u> Telephone number</p> </div> </div> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form.</b>  <b>Provide credit card information and authorization on PTO-2038.</b></p> <p><b>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  Form PTO/SB/96 may be used for making this certification. See MPEP §324.</b></p>		

This statement of information is required by 37 CFR 1.321. The information is required to inform or release a patent to the public which it is the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 1.22 and 37 CFR 1.11 and 1.14. This statement is intended to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any statements on the grounds of one you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1400, Alexandria, VA 22303-1400. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop 8015, Commerce Center for Patents, P.O. Box 1400, Alexandria, VA 22303-1400.

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